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08/865,403	05/29/1997	TOMOYUKI ASANO	SONY-P7449	8388

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EXAMINER

NGUYEN, NGA B

ART UNIT PAPER NUMBER

3628

DATE MAILED: 05/21/2002

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UNITED STATES DEPARTMENT OF COMMERCE  
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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Paper No. 20

Serial Number: 08/865,403  
Filing Date: 05/29/1997  
Appellant(s): Asano

**MAILED**

**MAY 21 2002**

**Technology Center**

Marina N. Saito, Reg. No. 42,121  
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal  
filed 01/23/2002.

**(1) Real Party in Interest**

A statement identifying the real party in interest is  
contained in the brief.

**(2) Related Appeals and Interferences**

A statement identifying the related appeals and  
interferences which will directly affect or be directly affected  
by or have a bearing on the decision in the pending appeal is  
contained in the brief.

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**(3) Status of claims.**

The statement of the status of claims contained in the brief is correct.

This appeal involves claims 9, 17-25, 37-46, and 53-62 which are all the claims remaining in the application.

**(4) Status of Amendments After Final.**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of invention.**

The summary of invention contained in the brief is correct.

**(6) Issues.**

The appellant's statement of the issues in the brief is correct.

**(7) Grouping of claims.**

Appellant's brief includes a statement that claims 9, 17-25, 37-46, and 53-62 stand or fall together is correct.

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**(8) Claims appealed.**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) Prior Art of record.**

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

5,809,144	Sirbu et al.	09-1998
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**(10) New prior art.**

No new prior art has been applied in this examiner's answer.

**(11) Grounds of rejection.**

The following ground(s) of rejection are applicable to the appealed claims.

Claims 9, 17-25, 37-46, and 53-62 are rejected under 35 USC 102(e) as being anticipated by Sirbu et al. This rejection is set forth in the prior Office action paper number 14 mailed 06/06/2001.

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***(12) New ground of rejection.***

This Examiner's Answer does not contain any new ground of rejection.

***(13) Response to argument.***

In general, appellant's arguments fail to consider the full teachings of the references in light of the knowledge generally available to those in the appropriate art and the level of ordinary skill in this art. Moreover, appellant's arguments take an overly narrow view of the claim language.

In the discussion of Sirbu for claims 9, 17-25, 37-46 and 53-62, appellant asserts that Sirbu does not teach "providing a service request to the account server when a disclosure request is received". It is clearly in Sirbu that the merchant providing a countersigned electronic payment order included customer's digital signature to account server when the merchant already received the electronic payment order with customer's digital signature from the customer (see column 5, line 44 through column 6, line 37). When the customer requests for a service from the merchant, he/she submits an electronic payment order with customer's digital signature to the merchant, the merchant endorses the electronic payment order already received from the

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customer (a disclosure request) to create a countersigned electronic payment order (a service request) and forwards the countersigned electronic payment order to account server for verifying. Moreover, in the specification, page 4, lines 20-24, a service request is defined as service request data includes "user's name, user's account number, name of service provider, date and time", page 6, line 16-19, the disclosure request is the service request that already sent from the user to the service provider. In Sirbu, an electronic payment order includes "customer Identity, product ID, Account number, merchant ID..." (Column 10, lines 20-32). Therefore, in Sirbu, the electronic payment order already submitted by the customer to the merchant is equivalent to the disclosure request, the countersigned electronic payment order is equivalent to the service request that the merchant sends to account server.

**(14) Conclusion.**

Appellant's arguments are not persuasive in that they fail to consider the breadth of the claim language, fail to fully consider the nonpreferred embodiment of Sirbu et al. and do not give fair credit to the level and knowledge of those of ordinary skill in the appropriate art.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Nga B. Nguyen

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May 16, 2002

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